

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07-CV-00389-F

CORNERSTONE BIOPHARMA, INC. and)
J-MED PHARMACEUTICALS, INC.,)
)
Plaintiffs,)
)
v.)
)
VISION PHARMA, LLC)
SANDER BUSMAN, THOMAS)
DESTEFANO, MICHAEL MCALOOSE)
and NEXGEN PHARMA, INC.,)
)
Defendants.)

JOINT STATUS REPORT

Plaintiffs Cornerstone BioPharma, Inc. (“Cornerstone”) and J-Med Pharmaceuticals, Inc. (“J-Med”) and defendants Vision Pharma, LLC (“Vision”), Sander Busman, Thomas DeStefano, Michael McAloose and Nexgen Pharma, Inc. (“Nexgen”), through counsel, hereby submit this joint status report pursuant to the Court’s order dated February 15, 2008 staying all proceedings in this case pending the U.S. Patent and Trademark Office’s re-examination of the patent-in-suit, U.S. Patent 6,270,796 (the “’796 Patent”).

On June 16, 2008, J-Med appealed the Examiner’s rejection of all claims of the ’796 Patent to the USPTO Board of Patent Appeals and Interferences, where the matter is now pending. The Examiner withdrew certain grounds for rejection on July 18, 2008. J-Med filed its appeal brief with the USPTO Board of Patent Appeals and Interferences on August 18, 2008 and a supplemental appeal brief on May 7, 2009. The Examiner’s appeal brief has not been filed yet.

As the Court's stay order directs, the parties will provide a further status report to the Court in 120 days, or sooner, if the USPTO issues a final decision with respect to the '796 Patent.

This the 2nd day of October, 2009.

/s/ Robert J. Morris

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CERTIFICATE OF SERVICE

I hereby certify that, on the 2nd day of October, 2009, I electronically filed the foregoing Joint Status Report with the Clerk of Court using the CM/ECF system, which will send notification to the attorneys of record for Vision Pharma, LLC, Sander Busman, Thomas DeStefano, Michael McAloose and Nexgen Pharma, Inc. as follows:

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